

REMARKS

In the present Amendment, the specification has been amended to correct an informality. That is, the references to “Claims” at pages 5-9 in the body of the specification have been amended to refer to “Paragraphs,” to avoid any potential confusion. The paragraphs in question are not claims. The claims are found at the end of the specification, beginning on page 149.

Independent claim 1 has been amended to incorporate the subject matter of claim 10 and to recite that the phthalocyanine structure represented by formula (I) has at least one of -SO₂-Z and -SO₂NR₁R₂ at a beta-position thereof. Section 112 support for the amendment to claim 1 may be found, for example, at page 31, lines 15-17 and in exemplary compounds 101 to 190 at pages 50-60 of the specification.

Claim 11 has been amended so as to depend from claim 1 and to incorporate the subject matter of claim 17.

Claims 10 and 17 have been canceled.

Upon entry of the Amendment, which is respectfully requested, claims 1-9, 11-16 and 18 will be pending.

Claims 1-5 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Taguchi et al (US 2004/0066438 A1).

In his response to Applicants’ arguments at page 15 of the Action, the Examiner states:

Applicant has argued that the Taguchi et al. and Ishizuka et al. [references] are filed after [the present application’s international filing date of] January 23, 2003. However, to get that date applicant has to file the English translation of the national stage application (PCT/JP03/00603). Therefore, both the references are still qualified for the prior art rejection.

With due respect, Applicants do not understand why the Examiner has maintained this rejection, since Taguchi is not prior art with respect to the present application. As indicated in Applicants' transmittal letter to the Commissioner requesting the filing of this application, the specification as filed is an English language translation of the international application.

Applicants request reconsideration and withdrawal of the rejection. As noted, the specification as filed is an English language translation of the international application. Taguchi simply is not prior art with respect to the present application. Taguchi's section 102(e) date of September 29, 2003 is later in time than Applicants' international filing date of January 23, 2003.

The Examiner's position that Applicants need to do something more than they already have to be entitled to their international filing date, is incorrect. If the Examiner maintains this position, he is kindly requested to cite authority for it.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the section 102(e) rejection of claims 1-5 based on Taguchi et al '438.

Claims 1-4 and 6-15 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ishizuka et al (US 2004/0010052 A1).

This rejection should be withdrawn for the same reasons that the rejection based on Taguchi should be withdrawn. Ishizuka is not prior art with respect to the present application. Ishizuka's section 102(e) date of January 29, 2003 is later in time than Applicants' international filing date of January 23, 2003.

Applicants request withdrawal of the rejection on this basis.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the section 102(e) rejection of claims 1-4 and 6-15 based on Ishizuka et al '052.

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ozawa (US 2003/0217671).

As in the case of Taguchi and Ishizuka, Ozawa is not prior art with respect to the present application. Ozawa has a section 102(e) date of April 1, 2003, which is later in time than Applicants' international filing date of January 23, 2003.

Applicants request reconsideration and withdrawal of the rejection, on this basis.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the section 103(a) rejection of claims 1-18 based on Ozawa '671.

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Nagai et al (US 5,882,390).

Applicants submit that this rejection should be withdrawn because Nagai et al does not disclose or render obvious the ink for inkjet recording of the present invention.

As noted above, claim 1 has in the present Amendment been amended to incorporate the subject matter of claim 10 and to recite that the phthalocyanine structure has at least one of an -SO₂-Z group and an -SO₂NR₁R₂ group at a beta-position thereof.

Nagai et al does not disclose or suggest phthalocyanine dyes having an -SO₂-Z or -SO₂NR₁R₂ group at the beta-position.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the section 103 rejection of claims 1-18 based on Nagai et al '390.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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